

GAHC010272042023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

**I.A.(Civil)/3866/2023 in
MAC App./14667/2023**

AYUB AHMED
S/O SAYED AHMED,
VILL.- TAKIMARI, JALESWAR, P.O. AND P.S.- LAKHIPUR, DIST.-
GOALPARA, ASSAM.

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
REP. BY THE DIVISIONAL MANAGER, HAVING ITS OFFICE AT BASANTA
ENCLAVE, 4TH FLOOR, B. BARUAH ROAD, ULUBARI, GUWAHATI- 781007,
KAMRUP(M), ASSAM.

Advocate for the Petitioner : MR. M M ZAMAN

Advocate for the Respondent : MR. P M TALUKDAR

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

24.06.2024.

Heard Shri MM Zaman, learned counsel for the applicant, who, by means of this application filed under Section 5 of the Limitation Act, has prayed for condonation of delay of 210 days in preferring the connected appeal with regard to the judgment and

award dated 02.02.2023 passed by the learned Member, Motor Accident Claims Tribunal, Goalpara in MAC Case No. 294/2016.

The connected appeal is for enhancement of the Award.

Shri Zaman, learned counsel, by referring to the averments made in paragraphs 3 and 4 of this application, has submitted that there were sufficient reasons for not being able to file the appeal within the time prescribed by limitation. It is submitted that the appellant claimant was yet to fully recover and therefore, the delay has occurred.

Shri R Baishya, learned counsel for the opposite party, however, submits that the reasons may not be sufficient.

Upon consideration of the rival submissions and taking into account the settled position of law that a pragmatic and justice oriented approach is required while adjudicating an application under Section 5 of the Limitation Act, the interlocutory application accordingly stands allowed and the delay of 210 days in preferring the connected appeal is condoned.

The interlocutory application accordingly stands disposed of.

JUDGE

Comparing Assistant